

**Sec. 2-683 Notice to Candidates for Procurement: Contract Compliance Requirements. Equal Opportunity Clause.**

(A) All notices to prospective Candidates for Procurements published on behalf of the City shall include as a part of all Agreements, specifications that all Candidates shall be required to comply with the provisions of this Division.

(B) All notices of Requests for Responses pertaining to Construction shall include, as part of the Specifications, the contract compliance requirements of this ordinance.

(C) All Candidates shall file with their Response and, prior to the approval of proposed subcontractors, all Contractors shall file, for themselves and all of their proposed subcontractors:

(1) MWBE Certification, in accordance with Sec. 2-665, et. seq. of the Code;

(2) Equal Employer Opportunity Determination, in accordance with Sec. 2-573 of the Code;

(3) The name, address, contact person, telephone, value of the proposed subcontract and relevant change order, if any.

(D) The Candidates shall be responsible for:

(1) obtaining such required certifications or provisional recognitions, determinations and verifications prior to submission of the bid or response; and,

(2) assuring such certifications or recognitions, determinations and verifications are valid as of the time of award.

The Office of Human Relations shall validate the accuracy and correctness of such certifications or recognitions, determinations and verifications.

(E) **Equal Employment Opportunity Clause.** All Requests for Response issued by the City and all Agreements issued by the City shall reference the equal employment opportunity clause as may be required by the state or federal governments, as may be applicable. All Agreements hereinafter entered into by the City shall incorporate an equal employment opportunity clause, as required by the state or federal government.

**Sec. 2-685 Equal Employment Opportunities Certification.**

(A) If an Organization which performs substantial Construction Work beyond the Hartford Labor Market Area declines to submit the affidavit referred to in Sec. 2-684, the Director of the Office of Human Relations may certify that such Organization be allowed to participate in the Construction Work required by an Agreement with the City. The Director of the Office of Human Relations shall not consider certification unless and until such Organization has submitted the following documents and data:

(1) The number and classification of Minority Group Persons who are members of or employed by such Organization, in accordance with the requirements of the State Department of Labor, including the allocation of men and women within each minority group;

(2) The percentage of members, Employees and/or trainees of such Organization who are Minority Group Persons (excluding Women) and women in both (a) the Hartford Labor Market Area and (b) the entire work force of the Organization throughout all labor markets in which they are conducting Construction Work;

(3) The percentage of members, Employees and/or trainees of such Organization who are Minority Group Persons (excluding Women) and women within each trade or training program within such Organization in both (a) the Hartford Labor Market Area and (b) the entire work force of the Organization throughout all labor markets in which they are conducting Construction Work;

(4) The total area within which such Organization performs Construction Work;

(5) An affidavit by an authorized official of such Organization stating it will not practice discrimination in the future in regard to Minority Group Persons and will eliminate any continuing effects of past discrimination;

(6) An affidavit by an authorized official of such Organization stating that it agrees with the HAAP and will make a Good Faith Effort to comply with its provisions;

(7) An affidavit by an authorized official of such Organization indicating the specific number of new minority and female or women journeymen or apprentices it expects to admit during the next twelve (12) months in the context of such Organization's area labor market availability data.

(B) The Director of the Office of Human Relations shall certify such Organization only if said Director makes the following findings:

(1) The Organization's nature, number of Employees and scope of employment are such that it cannot reasonably be expected to adopt the HAAP as a contractual provision;

(2) Public funds will not be used, directly or indirectly, to promote or maintain discrimination against Minority Group Persons as a result of such certification; and

(3) The documents and data submitted clearly indicate that such Organization has accepted, is accepting or will in the immediate future be accepting adequate Minority participation in its operations.

(C) Any person aggrieved by the Director of the Office of Human Relations' decision to certify or not to certify an Organization may appeal such decision to the Chief Operating Officer or a hearing officer assigned by said Officer. The Chief Operating Officer or hearing officer shall have a public hearing after providing notice in a newspaper of substantial circulation in the Hartford Labor Market Area. The Chief Operating Officer or hearing officer may overrule the Director's determination. At all times during such proceedings, the burden of proof will be on the party challenging the Director's determination.

(D) If the Director of the Office of Human Relations determines that any Organization certified under subsection (A) is not in compliance with any affidavit submitted, or has submitted inaccurate data, a public hearing will be held by the Chief Operating Officer or a hearing officer assigned by said Officer. Bylaws and procedures shall be promulgated by said Officer. Before any public hearing is held, notice thereof shall be published in a newspaper of substantial circulation in the Hartford Labor Market Area. If such Chief Operating Officer or hearing officer determines that the certified Organization is not in compliance with its affidavits or that the Organization has submitted false or misleading data, it may authorize any or all of the following actions:

(1) Cancel, terminate or suspend any further Construction Work to be performed by such Organization under the Agreement;

(2) Declare that such Organization is ineligible for participation in further Agreements with the City until it fully complies with its affidavits and/or provides accurate data;

(3) Publish, or cause to be published, the name of such Organization in a newspaper of substantial circulation in the Hartford Labor Market Area; and

(4) Any further measures necessary to effectuate the purpose of this Division.